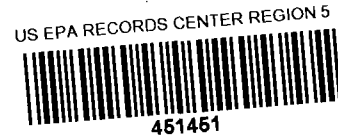


# VAN BUREN LAW, PLLC

January 24, 2013



## VIA TWO DAY FEDERAL EXPRESS

Ms. Michelle Kerr  
United States Environmental Protection Agency, Region 5  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

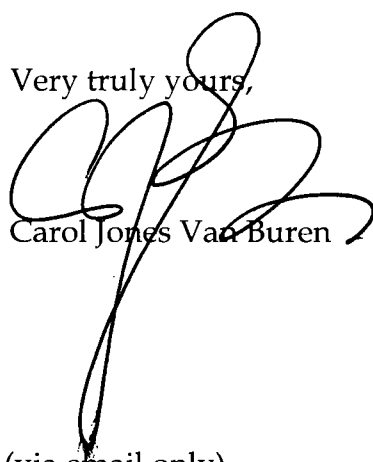
RE: Elan Trading, Inc.-Revised Page 11 in Response to EPA Information Request

Dear Ms. Kerr:

On November 30, 2011, EPA sent an Information Request to Elan Trading, Inc. ("Elan"). On May 2, 2012, Elan filed its Information Request, (the "Response"). Elan noticed one term was left out of the Response in Question 20. Elan has corrected this oversight and hereby submits a corrected Page 11 to slip sheet into the Response. A red-line document showing the changes to Page 11 is also included for EPA's convenience.

Please call me with any questions.

Very truly yours,

  
Carol Jones Van Buren

CJVB:ph  
Enclosure

Cc: Ms. Ellen Waldman (w/encl)  
Thomas Martin, Esq. (w/out encl) (via email only)

20. Provide all information in your possession that shows that you were in compliance with applicable federal environmental regulations or standards regarding scrap metal promulgated under Resource Conservation and Recovery Act (RCRA).

During the period of time which the Company sold scrap metal to the Chemetco Charlotte Warehouse (1997 to 2001), the Company was never cited for a violation of any federal, state or local environmental law or regulation, including RCRA.

40 C.F.R. Section 261.4(13) provides that the following materials are excluded from the definition of "solid waste" under RCRA: (13) Excluded scrap metal (processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal) being recycled.

The terms "processed scrap metal," "home scrap metal," and "prompt scrap metal" are defined in 40 C.F.R. Section 261.1(10) - (12). The Company primarily acquires and sells processed scrap metal and unprocessed prompt scrap metal. Occasionally, the Company also acquires and sells unprocessed home scrap metal. Thus, the scrap materials acquired and sold by the Company are "excluded scrap metal" as defined above and are excluded from the definition of "solid waste" under RCRA.

21. Provide all RCRA Identification Numbers issued to Respondent by EPA or a state for Respondent's operations.

The Company does not have and has not had a RCRA Identification Number.

22. List all federal and state environmental laws and regulations under which Respondent has reported to federal or state governments, including but not limited to: Toxic Substances Control Act, 15 U.S.C. Sections 2601 *et seq.*, (TSCA); Emergency Planning and Community Right-to-Know Act, 42 U.S.C. Sections 1101 *et seq.*, (EPCRA); and the Clean Water Act (the Water Pollution Prevention and Control Act), 33 U.S.C. Sections 1251 *et seq.*

The Company operates pursuant to NC Stormwater General Permit NCG200000. The Company presently holds Stormwater Certificate of Coverage NCG200461. The Company has reported information to the North Carolina Department of Environment and Natural Resources associated with this permit and other compliance issues.

23. Identify the federal and state offices to which such information was sent. State the years during which such information was sent/filed.

Any such information would have been sent to the North Carolina Department of Environmental & Natural Resources during the years 1992 to present.

24. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.

The following former employees of the Chemetco Charlotte Warehouse may be able to provide a more detailed or complete response to the questions in this 104E Request: 1) Marcus Brinkley, Former Manager/Buyer for Charlotte Chemetco Warehouse; and 2) Larry Hutchins, Former Manager/Buyer for Charlotte Chemetco Warehouse.

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